

CRR(F)-725-2023 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRR(F)-725-2023 (O&M)  
Date of decision : 03.08.2023

Jalour Singh ... Petitioner(s)  
Versus  
Mehar (Minor) ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Tarun Singla, Advocate for the petitioner.

ALKA SARIN, J.  
CM-21040-2023

This is an application for condonation of delay of 64 days in  
filing the petition.

For the reasons stated in the application, delay of 64 days in  
filing the petition is condoned. CRM stands disposed off.

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1. The present criminal revision petition has been preferred  
challenging the order dated 01.12.2022 whereby interim maintenance has  
been granted to a minor child to the extent of Rs.3,000/- per month.
2. Learned counsel for the petitioner would contend that the minor  
child is not the daughter of the petitioner and hence the grant of maintenance  
is not sustainable in law.

3. In the present case the mother of the minor child has got a FIR registered being FIR No.335 dated 20.10.2019 under Sections 376 and 323 of the Indian Penal Code, 1860 at Police Station Talwandi Sabo, District Bathinda alleging that the petitioner herein developed physical relationship with her on the pretext of marriage and that when she conceived, the petitioner refused to marry her and hence the FIR. It has been stated in the application that the minor child is entitled to maintenance from the petitioner as the mother of the minor child has no source of income and the petitioner herein is well placed in life. Though before the Family Court the petitioner has denied any relation with the minor child and contested the petition on the ground that the paternity of the child is yet to be determined and hence maintenance cannot be granted, however, the Family Court keeping in view the fact that the denial of maintenance would lead to starvation of the minor child and that since a FIR had been lodged against the petitioner, at the stage of interim maintenance, deemed fit to award an amount of Rs.3,000/- to the applicant i.e. the minor child.

4. In the case of **Dukhtar Jahan vs. Mohd. Farooq [(1987) 1 SCC 624]** the Hon'ble Supreme Court opined that *"Proceedings under Section 125 of the Code, it must be remembered, are of a summary nature and are intended to enable destitute wives and children, the latter whether they are legitimate or illegitimate, to get maintenance in a speedy manner"*. In **Kirtikant D. Vadodaria vs. State of Gujarat [(1996) 4 SCC 479]**, while adverting to the dominant purpose behind Section 125 of the Code, the Apex Court ruled that *"While dealing with the ambit and scope of the provision*

*contained in Section 125 of the Code, it has to be borne in mind that the dominant and primary object is to give social justice to the woman, child and infirm parents, etc. and to prevent destitution and vagrancy by compelling those who can support those who are unable to support themselves but have a moral claim for support. The provisions in Section 125 provide a speedy remedy to those women, children and destitute parents who are in distress. The provisions in Section 125 are intended to achieve this special purpose. The dominant purpose behind the benevolent provisions contained in Section 125 clearly is that the wife, child and parents should not be left in a helpless state of distress, destitution and starvation”.*

5.           Learned counsel for the petitioner has not been able to show any reason for denying the minor child the interim maintenance. The relationship of the petitioner with the minor child would be a matter of trial.
6.           In view of the above, there is no illegality or infirmity in the impugned order. I do not find any merit in the present petition and the same is, accordingly, dismissed. Pending applications, if any, also stand disposed off.
7.           It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

03.08.2023  
Yogesh Sharma

( ALKA SARIN )  
JUDGE

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO